

against him in 1826, in favor of the trustee who made the sale, was for an instalment thereof.

But though the bill does not notice or impeach the legal proceedings, under which the equitable title of Nelson was passed to the father of the defendant, the argument of the complainant's solicitor has been directed exclusively against those proceedings; and maintains that no title passed under the sale made by the sheriff, because, as it is said, the description given of the land, in the return to the fieri facias, is vague, uncertain and insufficient; and he refers to the numerous cases decided in the Court of Appeals, in support of his proposition.

I do not deem it necessary to examine those cases; nor to inquire whether, giving the purchaser the benefit of the return to the venditioni exponas, the imputed imperfections of the return to the fieri facias will be cured, according to the decision in the case, *Clark vs. Belmear*, 1 G. & J., 443; or whether this case falls within the principle settled in the case of *Waters vs. Duvall*, 11 G. & J., 37, which decided, that a levy upon a part of a tract of land, without describing what part, will not be cured by a return to a venditioni exponas, stating the sale of the *entire* tract, the return not showing what part of the entire tract sold, had been seized under the fieri facias, and consequently, that the whole sale was void for uncertainty.

I say, I do not deem it necessary to examine the cases, or pronounce an opinion upon this question, which may not, perhaps, be entirely free from difficulty; because, as I conceive, even if this court has jurisdiction on the subject, and the bill had assailed the sale and return of the sheriff, (which it does not,) the complainants are without equity, to claim the interposition of the court in their favor.

The sheriff's sale was made in the year 1828, and the purchase money paid by Turner at that time. The return of venditioni exponas was to May term in the year 1828; and although Tubman Nelson, the defendant in this judgment, lived until the year 1834, no attempt was made by him to impeach, or in any way question, the validity of the title which passed by that sale to the purchaser, Turner. If the returns to these writs are de-